

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

ALBERT CRUZ, JR.,

Plaintiff,

No. CIV S-05-0313 FCD DAD P

vs.

LOU BLANAS, et al.,

Defendants.

FINDINGS AND RECOMMENDATIONS

By an order filed October 27, 2005, plaintiff was ordered to file a new application to proceed in forma pauperis within thirty days. In addition, plaintiff's complaint was dismissed and thirty days' leave to file an amended complaint was granted. Plaintiff was cautioned that failure to do so would result in a recommendation that this action be dismissed. The thirty-day period has now expired, and plaintiff has not filed a new application to proceed in forma pauperis, has not filed an amended complaint, and has not otherwise responded to the court's order.

IT IS HEREBY RECOMMENDED that this action be dismissed without prejudice. See Local Rule 11-110 (E.D. Cal. 1997); Fed. R. Civ. P. 41(b).

These findings and recommendations are submitted to the United States District Judge assigned to the case, pursuant to the provisions of 28 U.S.C. § 636(b)(1). Within twenty

1 days after being served with these findings and recommendations, plaintiff may file written
2 objections with the court. Such a document should be captioned "Objections to Magistrate
3 Judge's Findings and Recommendations." Plaintiff is advised that failure to file objections
4 within the specified time may waive the right to appeal the District Court's order. Martinez v.
5 Ylst, 951 F.2d 1153 (9th Cir. 1991).

6 DATED: December 9, 2005.

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DALE A. DROZD
UNITED STATES MAGISTRATE JUDGE

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